



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 17-12-1999.

BILL No. 93 OF 1999

*A Bill to prohibit the slaughter of cow and its progeny.*

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny;

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

- |   |                                  |
|---|----------------------------------|
| 1. This Act may be called the Ban on Cow Slaughter Act, 1999.   | Short title.                     |
| 2. In this Act, unless the context otherwise requires, "cow" includes a bull, bullock, ox, heifer or calf.  | Definition.                      |
| 3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place. | Prohibition of slaughter of cow. |
| 4. No person shall sell or offer for sale or cause to be sold beef or beef products in any form for any purpose.  | Prohibition of sale of beef.     |
| 5. Any person who slaughters a cow or is caught selling beef or beef product be punished with imprisonment which may extend to ten years or with fine which extend to rupees one lakh or with both.   |                                  |

**STATEMENT OF OBJECTS AND REASONS**

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its entire progeny must be saved to provide milk, as well as manure, it becomes imperative to impose complete ban on the cow slaughter.

NEW DELHI;  
*October 26, 1999.*

ADITYA NATH

## BILL No. 95 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

- |   |                            |
|---|----------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1999.   | Short title.               |
| 2. Article 44 of the Constitution shall be omitted.   | Omission of article 44.    |
| 3. After Part IVA of the Constitution, the following Part and articles thereunder shall be inserted, namely:— | Insertion of new Part IVB. |

“PART IVB  
UNIFORM CIVIL LAW

51B. In this Part, unless the context otherwise requires, “the State” has the same meaning as in Part III.	Definition.
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51C. The State shall secure for the citizens a uniform civil code throughout the territory of India.”.	Uniform civil code for the citizens.
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**STATEMENT OF OBJECTS AND REASONS**

The Constitution makers, while framing the Constitution of India, gave a direction to the Government that they should try to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

As the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. The Bill, accordingly, seeks to amend the Constitution.

NEW DELHI;  
*October 28, 1999.*

ADITYA NATH

## BILL NO. 97 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. In article 1 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

Amendment of article 1.

“(1) Bharat, that is, Hindustan shall be a Union of States.”.

**STATEMENT OF OBJECTS AND REASONS**

The ancient and traditional names of our country are Bharat and Hindustan. These two names were popular during pre-British period. After the establishment of the British rule, Britishers used the name of "India" which was popular in their country. By repeated usage and practice during the British period the name "India" became popular. The framers of the Constitution accepted the name of the country as Bharat and have given it its due place in the Constitution. In article 1 of the Constitution the word Bharat has been used alongwith the word India. However, the traditional name of our country Hindustan has been left out in the Constitution.

The Bill seeks to amend the Constitution with a view to changing the nomenclature of our country from "India, that is Bharat" to "Bharat, that is Hindustan". The word India denotes the symbol of slavery and thus deserves to be scrapped from our Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;  
*October 28, 1999.*

ADITYA NATH

**BILL No. 82 OF 1999**

*A Bill to provide for the constitution of a Commission for the purpose of recommending to the Government the remunerative prices for spices and other cash crops.*

BE it enacted by Parliament in the Fiftieth year of the Republic of India as follows:—

1. (1) This Act may be called the Spices and Cash Crops Prices Commission Act, 1999.

Short title and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, 'spices' includes Cardamom, Ginger, Chinnamon, Cassia and such other crops as the Central Government may, by notification in the Official Gazette, include from time to time.

Definition.

3. (1) The Central Government shall constitute a body to be known as the Spices and Cash Crops Prices Commission, hereinafter referred to as 'Commission', to perform the functions assigned to it under this Act.

Constitution of  
Spices and  
Cash Crops  
Prices  
Commission.

(2) The Commission shall consist of a Chairman and four other members who shall be appointed by the President.

(3) The Chairman and the members so appointed to the Commission shall possess special knowledge about the spices and cash crops.

Term of office and conditions of service of Chairman and members.

4. (1) The Chairman and every member of the Commission shall hold office for a period not exceeding five years.

(2) The salaries and allowances payable to and the other terms and conditions of service of the Chairman and members shall be such as may be prescribed.

Officers and other employees of the Commission.

5. (1) The Central Government shall provide the Commission with such Officers and other employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Functions of the Commission.

6. It shall be the duty of the Commission to fix and declare the remunerative prices of spices and cash crops.

Norms for fixing remunerative prices.

7. The Commission shall, before determining the remunerative prices, take into consideration all relevant factors but in particular the following, namely:—

(i) the average capital investment made by the growers;

(ii) the average labour charges;

(iii) the expenditure on crop insurance scheme, if any;

(iv) the interest on loans borrowed for the purposes of production of spices;

(v) the maintenance cost of the farm;

(vi) any concession, rebate or subsidy given by the Government in connection with the production of spices;

(vii) the prevailing price of spices in the open market; and

(viii) climatic conditions and incidence of natural calamities like floods, drought, hail-storm, untimely rains etc.

Remunerative prices fixed by the Commission to be final.

8. The Central Government shall accept the recommendations of the Commission in full and the remunerative prices so fixed by the Commission shall be final and binding on the Government.

Power to make rules.

9. The Central Government may by notification in the official Gazette, make rules for carrying out the purposes of this Act.



### STATEMENT OF OBJECTS AND REASONS

Spices and other cash crops constitute the backbone of the country of the State of Kerala. Over a period of time, the prices of these crops have tended to decline steeply causing irreparable damage to the economy of the State as a whole and to the growers of these crops in particular and also loss of valuable foreign exchange. On one hand the cost of production of these spices and cash crops has increased phenomenally and on the other the prices have declined steeply. Moreover, there is no effective mechanism for market intervention in event of steep decline in the prices of these crops.

A situation has thus arisen where it has become necessary to devise some institutional mechanism to compute the cost of production of the spices and cash crops in a scientific manner and recommend a support price which is remunerative to the growers. This purpose can be achieved through the instrumentality of a statutory Commission.

The Bill, thus, provides for the constitution of such a Commission.

NEW DELHI;  
*November 1, 1999.*

RAMESH CHENNITHALA

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Spices and Cash Crops Prices Commission. The Commission shall consist of a Chairman and four other members. Clause 4 provides for the salary and allowances payable to the Chairman and members of the Commission. Clause 5 provides for the appointment of officers and other employees of the Commission and also for the salary and allowances payable to them. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of the order of rupees twenty lakh is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakh is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 87 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1999.

Amendment  
of Tenth  
Schedule.

2. In the Tenth Schedule to the Constitution of India,—

(i) in paragraph 1, after clause (d), the following clause shall be inserted, namely:—

“(e) “unattached member” means an elected member of a House who has been expelled from the membership of his original political party and declared as such by the Chairman or the Speaker of a House.”; and

“(ii)” in sub-paragraph (1) of paragraph 2, after Explanation, the following proviso shall be inserted, namely:—

“Provided that a member who has been declared as an unattached member by the Chairman or the Speaker of a House shall not be deemed to belong to the political party by which he was set up as a candidate for election as such member from the date he is declared as an unattached member and the provisions of clause (b) of sub-paragraph (1) of this paragraph shall not apply to such member.”

## STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as the anti-defection law, contains certain ambiguities which have come to light in the course of its application since it has come into operation. The main problem that has arisen is with regard to the status and rights of a member who has been expelled from the membership of a political party by which he was set up as a candidate for election. As per the present provisions of the Tenth Schedule, an expelled member would be disqualified for being a member of the House if he violates any direction issued by the whip of the party which expelled him. The first landmark decision on this aspect after the law came into effect, invented the term 'Unattached' in order to get round this problem. But this term is not a part of the law, with the result, a different view can be taken in a similar situation in future. It is, therefore, necessary to amend the law so as to make this term a part of it and put an end to the ambiguity in this respect. The Bill seeks to achieve this object by suitably amending the Tenth Schedule to the Constitution of India.

NEW DELHI;  
*November 1, 1999.*

RAMESH CHENNITHALA

## BILL No. 83 OF 1999

*A Bill to amend the Protection of Human Rights Act, 1993.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the protection of Human Rights (Amendment) Act, 1999.

(2) It shall come into force at once.

Amendment of  
section 2.

2. In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1), clause (a) shall be omitted.

10 of 1994.

Omission of  
section 19.

3. Section 19 of the principal Act shall be omitted.

Substitution of  
new section for  
section 30.

4. For section 30 of the principal Act, the following section shall be substituted, namely:—

Human Rights  
Courts.

**“30. For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up for each district a special court to be a Human Rights Court to try the said offences.”.**

### STATEMENT OF OBJECTS AND REASONS

The Protection of Human Rights Act, 1993, is a landmark legislation in the field of human rights. The Act, no doubt, meets the demand of the present times and takes care of all kinds of violations of human rights. However, there are two serious shortcomings in this Act which may render it less effective than what it was intended to be. The first shortcoming is the special procedure to be followed by the Commission in dealing with complaints of human rights violations by members of the armed forces under section 19 of the Act. The Commission, as such, has no authority to investigate or try the offences committed by the members of the armed forces. Since the members of the armed forces are likely to become target of malicious attack by vested interests and since the special procedure prescribed for members of armed forces is, in essence, against the spirit of this legislation. It would be proper that armed forces are also brought under the jurisdiction of the Commission and the special procedure with respect to armed forces be dispensed with.

The second shortcoming is that of the discretionary provision of setting up of special courts for trying the offences under this law. Since these offences are being treated on a special footing, the instrumentality of ordinary courts will be ineffective and time-consuming and hence would defeat the object of the law. Therefore, it has been proposed that it should be made obligatory on the part of the State Governments to set up special courts for each district for speedy trial of offences arising out of violations of human rights.

The Bill seeks to achieve these objects.

NEW DELHI;  
November 1, 1999.

RAMESH CHENNITHALA

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that every State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up special courts in each district for speedy trial of offences arising out of violation of human rights. The setting up of special Courts in Union territories will involve expenditure out of the Consolidated Fund of India. As far as States are concerned, the expenditure involved for setting up of special Courts shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may have to assist the State Governments in setting up of special Courts.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty five lakh per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakh from the Consolidated Fund of India.

## BILL NO. 88 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

- |   |                          |
|---|--------------------------|
| 1. (1) This Act may be called Constitution (Amendment) Act, 1999.   | Short title.             |
| 2. In clause (4) of article 19 of the Constitution, after the words “in the interests of the”, the words “Secularism or” shall be inserted. | Amendment of article 19. |

### STATEMENT OF OBJECTS AND REASONS

India is standing at the cross roads. The Republic which was founded on the principle of democracy and secularism is facing serious challenges from the forces of religious obscurantism and fundamentalism. If these divisive forces are allowed to succeed, they these will jeopardise the very existence of this nation as a united, integrated, liberal democratic and pluralistic society. It, therefore, becomes the duty of the sovereign Parliament, which reflects the will of the people, to initiate legislative measures to enable the State to check the activities of the obscurantist and fundamentalist forces.

The Bill, therefore, seeks to amend article 19(4) of the Constitution with a view to enabling the State to impose reasonable restrictions on the fundamental rights to form associations and unions in the interest of secularism.

NEW DELHI;  
*November 1, 1999.*

REMESH CHENNITHALA



## BILL NO. 113 OF 1999

*A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) It shall be compulsory for every voter, who is eligible to vote at an election, to exercise his right to vote when called for by the Election Commission :

Provided that a voter may be exempted from exercising his vote when he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner testifying to such incapacity.

Short title,  
extent and  
commence-  
ment.

Compulsory  
voting.

**(2) The Election Commission shall arrange for mobile ballot box vans in each constituency for the casting of votes by those persons who are not in a position to cast their votes at polling booths.**

**Punishment.**

**3. Any person, who fails to cast his vote shall be liable to—**

- (i) a fine of rupees one hundred, or**
- (ii) one day imprisonment, or**
- (iii) both, in case of deliberate avoidance;**
- (iv) forfeiture of his ration card, and**
- (v) be ineligible for contesting any election for a period of six years from the date of conviction:**

Provided that if such person is an employee of the Union Government or any public sector undertaking owned or controlled by Union Government, such person shall also be punished with—

- (a) forfeiture of four days salary,**
- (b) delay in promotion for a period of one year.**

**Reward for voting.**

**4. Any person who in spite of his illness or physical incapacity has exercised his right to vote at an election or any person who has exercised his right to vote at all elections held during a period of twenty years preceding the commencement of this Act without any break shall be—**

- (i) provided with a certificate of reward of value of rupees one thousand;**
- (ii) given preference in jobs in the services under the Central Government; and**
- (iii) given preference in admission to the institutions of higher technical education.**

**Power to make rules.**

**5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.**

### STATEMENT OF OBJECTS AND REASONS

It is very sad feature that is revealed at all elections that the number of voters who actually cast their votes is far less than those eligible. The average number of votes polled is around 50 per cent. It is a glaring commentary on the responsibility of citizens that the fate of the country's democratic institutions has been left to be decided by about 50 per cent of the electorate. Since the trend of voting from time to time does not show any appreciable increase in the number of those who exercise their franchise, time has come to ensure that all the citizens exercise their sovereign right to choose their representatives, so that the elections may reflect the will of the whole electorate and not merely that of a part of it. During the previous elections, in number of States the voting was less than 40 per cent, and in number of cases people had boycotted elections and thus did not vote deliberately.

With a view to increasing the voting percentage, the present Bill purports to make it compulsory for every eligible voter to vote and to provide for exemption only in cases where the voter is physically incapacitated due to illness of serious nature. In these cases also Election Commission shall arrange for mobile booths who are unable to cast their votes at polling booths.

Since the provision is being made compulsory, punishment is also to be given to those who do not vote at elections. However, reward is also proposed to be given to those persons who vote at elections inspite of their illness or without any break.

Hence this Bill.

NEW DELHI;  
November 8, 1999.

VILAS MUTTEMWAR

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### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Election Commission shall make arrangements for mobile vans for the purpose of casting of votes by those persons who are not in a position to cast their votes at polling booths, in each constituencies. Clause 4 of the Bill provides for certificate of reward of value of rupees one thousand to those persons who inspite of their illness or physical incapacity, exercise their right to vote at an election or to those who exercise their right at all elections held during a period of twenty years preceding the commencement of this Act without any break.

This Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees one lakh is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 106 OF 1999

*A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1999.

Amendment of  
the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX—  
Maharashtra,

(a) in entry 18,—

(i) for the words "Gond Gowari", the word "Gowari" shall be substituted;  
and

(ii) the word "Mana", shall be omitted.

(b) in entry 19, after the word "Halba", the words "Halba Kosti" shall be inserted.

(c) after entry 33, the following entry shall be inserted, namely:—

"33A. Mana."

## STATEMENT OF OBJECTS AND REASONS

Some entries in the list of Scheduled Castes and Scheduled Tribes notified in various Presidential Orders have been the subject of criticism on the ground that the names of certain Scheduled Caste and Scheduled Tribe Communities or sub-sections thereof included in the list sound derogatory or unjustifiable because of their unrespectful or undignified connotation and as such these entries are being amended from time to time.

Gond, Gowari, Mana, Halba Kosti (sub-tribes of Halba) are separate communities and should have been shown separately in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX — in respect of Maharashtra State.

Upto 1980 these tribes were accorded tribal status and were provided with all facilities available to other Scheduled Tribes. The Government of Maharashtra withdrew all the facilities to these tribals. The people of these tribes have been agitating for restoration of their tribal status and facilities to them. The Bill seeks to restore the tribal status to the "Gowari", "Halba Kosti" and "Mana" tribes.

Hence this Bill.

NEW DELHI;  
*November 8, 1999.*

VILAS MUTTEMWAR

## BILL NO. 111 OF 1999

*A Bill to provide for the establishment of a National Welfare Board for the welfare of children and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the National Child Welfare Board Act, 1999.

(2) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, "Child" means a person who has not attained the age of eighteen years.

Establishment of National Child Welfare Board.

3. (1) There shall be established by the Central Government a Board to be known as the "National Child Welfare Board" (hereinafter referred to as the "National Board"), which shall consist of a Chairman and four other members having special knowledge or practical experience in the field of education, medicine, sports, culture and social services.

(2) It shall be the duty of the Board to enunciate the national policy for the development of child.

4. There shall be established by every State Government or the Union territory Administration as the case may be a Board to be known as the "State or Union territory Child Welfare Board" as the case may be (hereinafter referred to as the "State Board" or "Union territory Board") which shall consist of a Chairman and such number of other members, as the State Government or the Union territory Administration may determine who, shall have special knowledge or practical experience in the field of education, medicine, sports, culture and social service.

Establishment of State or Union territory Child Welfare Boards.

5. It shall be the duty of every State and Union territory Board to—

Duties of State or Union territory Boards.

(1) make recommendations to the National Board as regards—

(a) the ways to improve the health and proper maintenance of the children;

(b) the type of education which is to be imparted to each child, including technical education and vocational training;

(2) provide education, uniform, transportation and meals, etc. free of cost to every child upto the twelfth standard;

(3) select children for higher and technical education and to meet all their expenses;

(4) select talented children in different sports and to train them;

(5) provide free hostel facilities; and

(6) provide scholarship to deserving children.

6. It shall be the duty of the Central Government to carry out the policy of the National Board into effect through release of funds and materials.

Duty of Central Government to carry out the policy of National Board.

7. The Central Government shall constitute a fund to be called the Child Welfare Fund.

Constitution of Child Welfare Fund.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) The salary and other allowance payable to the members of the National Board, State Boards and Union territory Boards;

(b) the appointment of other staff and provision of office and furniture, etc. for the Boards;

(c) any other matter which has to be, or may be, prescribed.

## STATEMENT OF OBJECTS AND REASONS

India is a developing country and a large number of people are uneducated, unemployed and poor. Moreover, the children, who are the future of the country, are under-nourished and education is not being imparted to them as per the requirement of the present times. The rich people can spend money for better education of their children whereas the large majority of the poor people can not afford to utilise the natural potentialities of their children. Due to the lack of proper nourished diet and health care, the children become victims of a number of incurable diseases. Therefore, there is an urgent need to formulate a national policy for the development of children. In this connection it is proposed to establish Child Welfare Board at the national and State levels. The Child Welfare Boards will examine the capability and capacity of a child and make recommendations for the better development of the child. This will also result in lesser drop-outs from schools. Children will also get employment oriented education and talented children in sports will be trained so that they can perform better in the international arena of sports.

Hence this Bill.

NEW DELHI;  
November 8, 1999.

VILAS MUTTEMWAR.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Child Welfare Board. Clause 4 provides for the establishment of State or Union territory Child Welfare Boards. Clause 5 provides for provision of education, uniform etc. free of cost to all children upto 12th standard. It further provides for selection of children for higher and technical education and for meeting of all their expenditure by the State or Union territory Boards. Clause 6 provides that it shall be the duty of the Central Government to carry out the policy of National Board by means of funds and materials. Clause 7 provides for establishment of Child Welfare Fund. Clause 8 provides for appointment of other staff and provision of office furniture, etc. for the Boards. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees one crore per annum from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Sub-clause (2) of that clause enumerates the various matters in respect of which rules may be made. The matters in respect of which rules may be made are matters of procedure only. The delegation of legislative power is, thus, of a normal character.



## BILL NO. 105 OF 1999

*A Bill to provide for a comprehensive policy for the development of the youth in the country.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Youth Welfare Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the State Government and in the case of a Union territory, the Union Government;

(b) 'Youth' means all persons between twelve and thirty years of age; and

(c) 'Youth Organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion, language, caste, creed or sex and the constitution of which provides for its democratic functioning in respective States or Union territories, as the case may be.

Short title,  
extent and  
commence-  
ment.

Definitions.

Compulsory  
and free  
educational  
facilities.

**3. The appropriate Government shall provide to the youth—**

- (a) compulsory and free education including technical education;
- (b) materials like books, stationery, uniform, etc. free of cost;
- (c) free hostel facilities;
- (d) scholarships to deserving students;
- (e) free transport facilities;
- (f) pocket allowance at the rate of rupees one hundred to rupees one hundred fifty per month according to the age of the youth, as may be prescribed; and
- (g) free access to all libraries and technical institutions.

Sports facilities  
to the youth.

**4. The appropriate Government shall provide,—**

- (a) training in sports to every youth and facilities for participation in sports activities both inside and outside the country;
- (b) representation to youth organisations in sports associations; and
- (c) for the welfare of youth, who represent the country in sports, throughout his life time.

Provision of  
nutritious  
meals in  
schools, etc.

**5. The appropriate Government shall provide nutritious meals free of cost to all the students in schools, colleges, universities, hostels and technical institutions.**

Medical care to  
the youth.

**6. The appropriate Government shall provide medical and health care to the youth free of cost.**

Training of the  
youth in trade  
vocation, etc.

**7. The appropriate Government shall evolve a scheme under which youth shall be provided training in modern apprenticeship trades, vocations, etc. in factories and vocational institutions.**

Appointment  
of expert  
Committees.

**8. The appropriate Government shall appoint expert Committees in every district consisting of eminent educationists, psychologists to recommend the type of education or training in any vocation that is to be imparted to a youth of the district after he or she has passed the tenth class examination.**

Military  
training to the  
youth.

**9. The Central Government shall provide military training to all the able bodied youth and those who successfully complete the training shall be given preference in employment in defence services.**

Provision of  
employment.

**10. The appropriate Government shall provide employment to the youth after their education/training or unemployment allowance, as may be fixed, by the Central Government, in lieu thereof, till they are provided employment.**

Power to make  
rules.

**11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

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STATEMENT OF OBJECTS AND REASONS

Even after four decades of independence, no clear-cut youth policy has been laid down in our country so far. The education should be the right of the youth and not a privilege of a few and employment should be guaranteed to them. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated gradually. The youth today is also facing serious health problems, absolute inadequacy in sports and cultural facilities. The youth belonging to Scheduled Castes, Scheduled Tribes and other backward classes are still reeling under poverty. There is no proper planning for comprehensive development of the youth and proper utilisation of their energies and education. A comprehensive youth policy for their all round development is, therefore, absolutely necessary.

Hence this Bill.

NEW DELHI;  
November 8, 1999.

VILAS MUTTEMWAR

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide compulsory and free education and also supply materials like books, stationery, uniform, etc., free of cost and pocket allowance to all the youth. It also provides for free hostel and transport facilities and scholarships to youth. Clause 4 provides that the appropriate Government shall provide facilities to youth for their participation in sports activities. Clause 5 provides that the appropriate Government shall provide nutritious diet free of cost to all the students in schools, colleges, universities and hostels. Clause 6 provides for medical and health care to all the youth by the appropriate Government. Clause 7 provides that the appropriate Government shall evolve a scheme under which the youth will be given training in factories and vocational institutions. Clause 8 provides for appointment of expert Committees to recommend the type of education that is to be imparted to the youth. Clause 9 provides for military training to physically fit youth. Clause 10 provides that the appropriate Government shall be responsible for providing employment to all the youth or unemployment allowance, as may be prescribed, till they are provided with employment.

The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in respect of the Union Territories. The State Government will incur the expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. An annual recurring expenditure of about rupees two hundred and fifty crore is likely to be incurred.

A non-recurring expenditure of about rupees four crore is also likely to be incurred.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

**BILL NO. 102 OF 1999***A Bill further to amend the Constitution of India.***BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—**

Short title.

**1. This Act may be called the Constitution (Amendment) Act, 1999.**Insertion of  
new article  
44A.**2. After article 44 of the Constitution, the following article shall be inserted,  
namely:—**Protection of  
religious  
Places.**"44A. The state shall endeavour to protect all religious places and the devotees  
who pray or worship therein."**

## STATEMENT OF OBJECTS AND REASONS

There is a tendency among some communal organisations and members thereof to destroy religious places which they perhaps do not like. They prevent devotees and others from engaging themselves on their religious activities. The incidents of destruction of churches and prayer halls in Gujarat are salient examples of bigotry which needs to be dealt with firmly. The State should be duty bound to give protection to all communities and their worship places.

NEW DELHI;  
*November 8, 1999.*

P. C. THOMAS

## BILL NO. 101 OF 1999

*A Bill to provide for ban on import of natural rubber and to protect the interests of rubber growers.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Rubber Growers (Protection) Act, 1999.

(2) It shall come into force at once.

Ban on import  
of natural rub-  
ber.

2. On and from the date of commencement of this Act, no person shall import natural rubber in any form.

*Explanation.*—For the purpose of this section, ‘natural rubber’ includes the substances of any kind, which are used as substitutes of natural rubber.

Procurement of  
natural rubber  
by Central Gov-  
ernment and  
fixing of prices  
thereof.

3. (1) The Central Government shall fix remunerative prices for procurement of natural rubber every year and shall declare the remunerative prices, so fixed well in time.

(2) While fixing the remunerative prices, the Central Government shall take into account the cost of production, cost of living index and reasonable profit to growers and such other factors, as it may deem necessary.

Central Govern-  
ment to procure  
natural rubber.

4. The Central Government shall procure natural rubber from growers every year at remunerative prices.

Act to have over-  
riding effect.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent contained therein in any other law for the time being in force.

Power to make  
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

The growers producing natural rubber are facing acute hardships as the prices of their produce has gone down steeply. There is an unprecedented fall of price of rubber from rupees sixty-five to rupees twenty-three per kilo. They are not able to sustain, and are overburdened with debts and liabilities. There are cases of suicidal deaths by growers who are unable to make both ends meet. Out of them, ninety percent. are small and marginal farmers. There are about ten lakh growers and thirty lakh workers whose lives are under heavy strain and their living conditions cannot be ameliorated without sustained and positive efforts by the Government. The import of rubber, the export of articles like *polyanthus* which have replaced rubber for foam production, the callous attitude of authorities concerned by not procuring rubber at a reasonable price, has necessitated immediate action by protecting growers through a legislation.

NEW DELHI;  
November 8, 1999.

P. C. THOMAS

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that Central Government shall take necessary steps for procurement of natural rubber at the minimum support price, for which Central assistance is needed. Therefore, a recurring amount to the tune of rupees five hundred crore per annum shall be spent by the Central Government for this purpose from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

## BILL No. 104 OF 1999

*A Bill to provide for clearance of jhuggi jhopri clusters and slum areas and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Slums and Jhuggi Jhopri Areas Clearance Act, 1999.

(2) It extends to Union Territories only.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “building” includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building;

(b) “competent authority” means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purpose of this Act;



(c) "jhuggi jhopri" means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "slum" means an area consisting of jhuggi jhopri clusters, badly built and over-crowded houses and buildings; and

(f) "slum clearance" means the clearance of any slum area by, demolition and removal of buildings therefrom.

3. (1) The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Competent authority to declare slum area.

(2) Where the competent authority is satisfied that the most satisfactory method of dealing with the conditions in a slum area is demolition of all the buildings and jhuggi jhopri clusters in the area, the authority shall by an order notified in the Official Gazette, declare the area to be a clearance area, that is to say, an area to be cleared of all buildings and jhuggi jhopri clusters in accordance with the provisions of this Act.

4. (1) All the residents of slum clearance areas shall be evacuated and accommodated in alternate houses to be built by the Government.

Alternate accommodation to residents of slum clearance areas.

(2) The houses built under sub-section (1) shall have all necessary basic facilities.

5. As soon as may be after competent authority has declared any slum area to be a clearance area, the Government shall cause such slum area to be cleared of all jhuggi jhopri clusters and other buildings removed from that area.

Removal of jhuggi jhopri areas.

6. (1) No person shall be allowed to set up any jhuggi jhopri in any area.

Ban on setting up of jhuggi jhopri areas.

(2) Any jhuggi jhopri set up in violation of the provisions of this Act shall be demolished by the competent authority in such manner as may be prescribed.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

Crores of people in our country are at present living in slums and jhuggi jhopri clusters under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and jhuggi jhopri clusters. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and jhuggi jhopri clusters.

It is duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be demolished.

The Bill seeks to achieve the above objective.

NEW DELHI;  
November 9, 1999.

Y. S. VIVEKANANDA REDDY

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide alternate houses with all basic facilities to those who are living in slum areas. The Bill, if enacted, will involve basic expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand five hundred crore will be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore will also be involved as a non-recurring expenditure.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL No. 114 OF 1999**

*A Bill to provide for employment or for means and resources for self-employment to at least one adult member of every family.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Provision of Employment Act, 1999. Short title.
2. In this Act, unless the context otherwise requires, “family” means and includes wife, husband and minor children. Definition.

Central Government to provide employment.

**3. It shall be the duty of the Central Government to provide employment to atleast one adult member of every family.**

An employee not to involve himself in any activity resulting in financial gains.

**4. Every person who has been provided with a job under Section 3 shall not involve himself in any activity other than his employment for financial or other gains.**

Government to ensure promotions to employees.

**5. The Central Government shall evolve a process ensuring periodical promotions to all its employees on the basis of tests and their performance.**

Dependents to get employment after retirement.

**6. The Central Government shall provide employment to the dependent of an employee, who had been provided with a job under section 3, after his retirement from service.**

Family to get benefits in case of unemployment of any member.

**7. The Central Government shall provide credit, subsidy and all other facilities or resources for self-employment to a family where it is not possible to provide employment to atleast one member of that family.**

Power to make rules.

**8. The Central Government may make rules for carrying out the purposes of this Act.**

### STATEMENT OF OBJECTS AND REASONS

In India, poverty is one of the biggest problems. Even after fifty years of independence, we have not been able to contain the poverty. Although our country has progressed in many fields, yet it has failed to improve the standard of living of the people. There may be many reasons for poverty.

It has been observed that income of a small family as compared to its income in the year 1965 has not improved much. There are a large number of families where there is not even a single earning member and most of them earn their livelihood by working as labourers, domestic servants, bonded labourers, etc. Majority of population live below poverty line. Our country being a welfare State should take necessary steps to improve the lot of the people and formulate schemes and plans to eradicate poverty from the country.

With this in view it is proposed to make a positive step towards eradicating poverty. It is proposed that atleast one adult member of every family should be provided with employment and where it is not possible to provide employment, the family should be given all necessary facilities for decent and reasonable livelihood.

The Bill seeks to achieve the above objective.

NEW DELHI;

Y. S. VIVEKANANDA REDDY

November 9, 1999.

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide employment to one adult member of every family. Clause 7 provides that the Central Government shall provide credit, subsidy and all other facilities or resources for self-employment to a family where it is not possible to provide employment. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in implementing the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of one hundred crore is likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of this Bill. The matters in respect of which rules may be made are matters of procedure or detail only. The delegation of legislative power is, thus of a normal character.

## BILL No. 130 OF 1999

*A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and  
extent.

1. (1) This Act may be called the Special Educational Facilities (for Children of Parents Living Below Poverty Line) Act, 1999.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "appropriate Government" means the Central Government or the State Government, as the case may be;

(b) "parents living below poverty line" means all such parents whose income from all sources is less than rupees one thousand and five hundred per mensem; and

(c) "prescribed" means prescribed by rules made under this Act.

3. It shall be the duty of the appropriate Government to provide to every child born of parents living below poverty line, the following facilities, namely:—

Facilities to children born of parents living below poverty line.

(a) free education from school level to the post-graduate level including higher medical and technical education;

(b) free hostel facilities, uniform, meals and such other assistance and facilities as are required for the proper education of children; and

(c) gainful employment to the child after he completes his education.

4. The appropriate Government shall provide scholarships upto a maximum of rupees one thousand and two hundred per annum, in deserving cases, to the children of parents living below poverty line while they are pursuing their education.

Scholarships.

5. The appropriate Government shall reserve such percentage of seats of the total number of seats, as may be prescribed, in all medical and technical colleges and institutions of higher studies for children born of parents living below poverty line.

Reservation of seats in medical and technical colleges for children born of parents living below poverty line.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make Rules.

### STATEMENT OF OBJECTS AND REASONS

Nearly sixty per cent of the total population of our country lives below the poverty line. Their income is meagre and they fight for their subsistence throughout their lives. They have a hand to mouth existence and cannot even think of getting elementary education which may enable them to read and write. Since promotion of universal education and establishment of classless and creedless society is one of the basic aims of our Constitution, the Government at the national level as well as at the State level should make provisions for free educational facilities and provide books, uniform, writing materials, transportation and hostel facilities free of cost to the children of persons living below the poverty line, that is to say, whose total family income is below one thousand and five hundred rupees per month, so that they could get proper education and better job opportunities to raise their standard of living. It will be a major step in eradicating illiteracy from the country. It will also help such children to grow and compete with children of higher class.

Hence this Bill.

New Delhi;  
November 9, 1999.

Y.S. VIVEKANANDA REDDY

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including medical and technical education, etc., by the appropriate Government to children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel uniform, meals etc. to such children. Clause 4 provides that the appropriate Government shall provide scholarship upto a maximum of rupees one thousand and two hundred per annum, in deserving cases, to such children. The Central Government has to bear the expenditure in respect of Union territories in implementing the provisions of the Bill. The respective State Government shall bear the expenditure in respect of their State. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees one crore is likely to be incurred per annum.

A non-recurring expenditure of rupees one crore is also likely to be incurred.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative powers is, therefore, of a normal character.



## BILL No. 94 OF 1999

*A Bill to regulate the utilisation of foreign aid and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Foreign Aid Fund of India Act, 1999.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “fund” means the Foreign Aid Fund of India set up under section 3;

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall set up a fund to be known as “the Foreign Aid Fund of India”, monies into which shall come from any aid or assistance or donation or contribution received from any foreign country or any organisation or an individual or an institution in a foreign country or United Nations Organisation to provide relief to people affected by any natural calamity or mishap.

Foreign Aid  
Fund of India.

(2) The fund shall be administered in such manner as may be prescribed.

Utilisation of  
Fund.

4. (1) The fund shall be utilised for the following purposes,—

- (a) for payment of compensation to victims of natural calamities or mishaps;
- (b) for providing assistance to State Governments for carrying out relief and rehabilitation measures in the event of any natural calamity or mishaps; and
- (c) for any other purpose as may be prescribed.

(2) The terms and conditions for the grant of money out of the fund and the amount to be provided shall be such as may be prescribed.

Power to make  
rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

**STATEMENT OF OBJECTS AND REASONS**

Our country receives assistance and donations from foreign countries and United Nations Organisation to meet the unforeseen expenditure in respect of natural calamities and other mishaps. Contributions are received from abroad for other purposes also. However, it has been seen that the money is not utilised for the purposes for which donations were received and there is no check on it.

The Bill seeks to regulate the utilisation of donations received from abroad.

NEW DELHI;  
*November 9, 1999.*

Y. S. VIVEKANANDA REDDY

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of Legislative power is of a normal character.

## BILL NO. 125 OF 1999

*A Bill to make voting compulsory at all elections and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 1999.

Short title and  
commence-  
ment.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definition.

‘election’ means elections to the House of the People, Legislative Assemblies of States and local bodies.

3. It shall be the duty of Central Government to ensure that,—

Duty of the  
Government.

(i) the name of every citizen who has completed eighteen years of age has been entered in the electoral rolls;

(ii) every eligible voter is issued an identity card.

4. It shall be the duty of every eligible citizen to exercise his franchise during every election.

Duty of the citi-  
zens.

5. Any citizen who does not exercise his franchise at an election without any reasonable cause or prevents any person from exercising his franchise shall be punished with imprisonment for a period of three months.

Punishment.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make  
rules.

## STATEMENT OF OBJECTS AND REASONS

Political interference, negligence and inaction on the part of Government causes several persons who have a right to vote not being enlisted as voters.

There are instances where names of voters are deleted from electoral rolls as they are known supporters of political opponents of ruling parties in many States. This misuse is to be seriously dealt with.

Similarly eligible voters do not exercise their franchise. It should be made a duty of every eligible voter to exercise his franchise during every election.

The Bill seeks to make provisions accordingly.

NEW DELHI:  
November 8, 1999.

P. C. THOMAS

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every eligible voter shall be issued an identity card. Though majority of our population have been issued identity cards by the Election Commission yet crores of people are yet to be issued. This Bill would hasten the process. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten lakh is likely to be involved from the Consolidated Fund of India per annum.

A non-recurring expenditure of about rupees fifteen lakh is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 110 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. In article 85 of the Constitution,—

Amendment of  
article 85.

(i) in the marginal heading, for the word 'dissolution', the word 'suspension' shall be substituted;

(ii) for sub-clause (b), the following sub-clause shall be substituted, namely:—

"(b) suspend the House of the People."

## STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. Thousands of crores of rupees are spent in an election. It is being observed that the party system is resulting in hung Parliament after the elections. As a result, Lok Sabha needs to be dissolved many a time within a period of five years and the nation has to bear the burden of heavy expenditure on mid-term elections. Ultimately democracy means the rule of the ballot. The system of ballot cannot be given up. Therefore, some people advocate Presidential system in place of Parliamentary system to avoid frequent dissolution of Lok Sabha before completing five years term and mid-term polls. Multi-party system leads to division of seats resulting in hung Lok Sabha and the country gets caught up in the whirlpool of political instability. Minor amendments in the Constitution can tackle such a situation.

Article 85(2)(b) of the Constitution should be amended by incorporating the words 'The President may from time to time suspend the Lok Sabha' in place of the words 'the President may from time to time dissolve the Lok Sabha'. Such a provision will give us two benefits. Firstly, the business of suspended Lok Sabha will get suspended as is the case with the provision made in case of Legislative Assemblies in States and it will make way for political polarisation. Thus the country could be saved from facing unnecessary elections. In the event of Lok Sabha not being dissolved before five years there would be no elections before the expiry of its term of five years. In the event of the President suspending the Lok Sabha, on the advice of the Prime Minister, immediately thereafter the President will administer the country with the help of caretaker Prime Minister. The President, on being satisfied that any party or a combination of parties is in a position to form the Government, will revoke the suspension of Lok Sabha and invite the concerned party to form the Government.

The Bill seeks to make an amendment to the Constitution mainly to save the country from the burden of unnecessary election expenses and to avoid holding of the election before the period of five years under any circumstances.

NEW DELHI;  
November 15, 1999.

RAGHUVANSH PRASAD SINGH



## BILL No. 126 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. After article 30 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 31.

“31. Every citizen who lives below poverty line shall have the right to—

- (i) adequate health care;
- (ii) shelter;
- (iii) education upto college education;
- (iv) guaranteed employment; and
- (v) essential items of daily use at concessional rates.

Basic facilities to citizens living below poverty line.

*Explanation:* For the purposes of this article,—

(i) “person living below poverty line” means such person whose monthly income from all sources is such as may be determined by the State from time to time after taking into consideration all relevant factors as it may deem fit:

Provided that different levels may be fixed for different classes of persons in various States and Union Territories.

(ii) “guaranteed employment” means employment which is generated atleast for a period of 240 days in a year;

(iii) “essential items of daily use” means and includes such items like fuel, groceries, vegetables, milk and other edible items which are absolutely necessary for carrying on a decent living”.

**STATEMENT OF OBJECTS AND REASONS**

In our country majority of the people are living below poverty line. Despite several measures have been taken to improve their lot, their standard of living has not shown any significant change. The people living below poverty line live in slums and miserable and unhygienic conditions. For want of adequate health care, they die in their early ages. They mostly remain illiterate. It is the duty of the Government to take care of those sections of the society. The people living below poverty line should be given some basic facilities in order to enable them to lead a reasonably decent living. It is proposed to amend the Constitution with a view to making it mandatory on the part of the State to provide certain facility to persons living below poverty line.

Hence this Bill.

NEW DELHI;  
November 16, 1999.

V. SAROJA

### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for certain facilities like education, health care, shelter and employment, etc. to people living below poverty line. This would involve expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved. Non-recurring expenditure to the tune of rupee one thousand crore is also likely to be involved.

## BILL No. 124 OF 1999

*A Bill to provide for population stabilisation measures for promoting small family norm and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Population Stabilisation Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires,—

"appropriate Government" means the Central Government in relation to Union territories and the State Government in relation to a State.

Limit on  
number of  
children.

3. Any person—

(a) who has more than one living child shall not procreate any more child after a period of one year from the date of commencement of this Act; and

(b) who has no child on the date of commencement of this Act, shall not procreate more than one child.

43 of 1951.

4. After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

Amendment of the Representation of the People Act, 1951.

"8B. (1) A person shall be disqualified if he procreates more than one child:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the Population Stabilisation Act, 1999, procreates another living child and thereby the number of living children of that person increases to two.

(2) The disqualification referred to in sub-section (1) shall not apply in case of persons having more than one child on the date of commencement of the Population Stabilisation Act, 1999.

5. If either the husband or the wife in the case of a married couple who have only one child on the date of commencement of this Act, voluntarily undergoes sterilisation, the appropriate Government shall provide them with the following benefits, namely:—

Incentive for adopting small family norm.

(i) supply of essential commodities such as wheat, milk, sugar, groceries and such other essential commodities as may be prescribed at concessional rates;

(ii) free education including higher education;

(iii) suitable employment after completion of education; and

(iv) house site at concessional rates.

6. The appropriate Government shall introduce a compulsory subject relating to population control in all educational institutions for all children who have attained the age of fifteen years irrespective of course they are pursuing.

Compulsory subject in schools.

7. No marriage shall be solemnised between a male who is less than twenty five years of age and a female who is less than twenty two years of age.

Age for marriage.

8. (1) There shall be constituted a fund to be called the National Population Stabilisation Fund by the Central Government.

Constitution of National population stabilisation fund.

(2) The Central Government and every State Government shall contribute to the fund in such ratio as may be prescribed.

9. The fund constituted under section 8 shall be utilised for the following purposes, namely:—

Utilisation of fund.

(i) giving of national population stabilisation award to the State Government or Union territory which has recorded the least population growth during the year;

(ii) giving of award to a person or an organisation which in the opinion of the Central Government has contributed in awakening the public towards importance of population stabilisation and adopting of various methods for population control; and

(iii) giving wide publicity through print and electronic media regarding need for population stabilisation.

10. (1) Any person who is serving in connection with the affairs of the Union Government or in any undertaking or organisation under the control of the Union Government and who has only one living child or who has not procreated any child or who is unmarried on the date of coming into force of this Act, shall give an undertaking that he shall not procreate more than one living child.

Persons serving in Government offices, undertakings/organisation of Government not to have more than one child.

(2) Any person violating the provisions of sub-section (1) shall be subject to such action may be determined by the Central Government.

Disincentives  
for violation of  
the provisions  
of the Act.

**11.** Any person who is running his own company, firm, society or corporation, if violates the provisions of section 3,—

(a) shall not be allowed to avail of any loan or facility of any kind from any Government company or financial institution;

(b) shall not be entitled to undertake any contract with any financial institution, Government company of the Central Government; and

(c) shall not be entitled to have facilities of drawing ration from public distribution system and cooking gas from a Government company.

Punishment  
for violation of  
provisions of  
the Act.

**12.** Any person violating the provisions of this Act shall be punished with rigorous imprisonment for a term which shall not be less than one year and with fine which shall be not less than rupees five thousand.

Act to have  
overriding  
effect.

**13.** The provisions of this Act shall apply notwithstanding anything contained to the contrary in any other law for the time being in force.

Power to  
make rules.

**14.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS

It is projected that by the turn of the Century India shall have three out of the ten most populous cities of the world, and half the population of these cities would be living in slums under squalid conditions. Actually, without massive public contributions for sewerage, water treatment, air pollution control and perspective planning, living conditions in all urban areas will progressively deteriorate.

The need to accommodate the future needs within the nation's natural capabilities and resources has given rise to unparalleled transformation of human values, social institutions and economic structures. The break-down of civic amenities due to over-crowding, law and order situation, unemployment and widening of the gap between the haves and have nots has progressively created an explosive situation. Agricultural land holdings are fast becoming small and uneconomical, the need for housing are far beyond the available finances and educational facilities are hopelessly inadequate to meet with the existing demands let alone the future ones. There is no balance between population growth and the infrastructure and available opportunities.

In a world moving towards working out an optimum human carrying capacity of given regions, based on a population, resource and development inter-relationship in already densely populated nation like India can hardly expect to achieve a quality of life by adding further to her numbers.

The provisions of the Bill are, therefore, the most effective method to achieve the targeted goal.

The laudable goals spelt out in the Directive Principles of State Policy in the Constitution of India can best be achieved if the population explosion is checked. Continuous pregnancies badly affect the health of a woman. The population explosion has added to the poverty of the people and increases the crime rate also. All round progress made by the country has almost been brought to nought by this single factor. Every additional child born above the projected rate of population growth is a liability on the scarce resources of the nation. Time has come where taking of some strong measures has become essential and if such measures are not taken at the earliest the future generations may not forgive us for this lapse.

The Bill seeks to address to this urgent problem through certain measures.

NEW DELHI;  
November 4, 1999.

V. SAROJA

### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for certain benefits to be given to those who undergo sterilisation voluntarily. Clause 6 provides for introduction of compulsory subject relating to population control in all educational institutions. Clause 8 provides for establishing National Population Stabilisation Fund to which the Central Government shall also contribute. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union territories. The State Governments will incur expenditure in respect of their State out of their respective consolidated funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees five hundred crore out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.



**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 133 OF 1999

*A Bill further to amend the Representation of the People Act, 1951.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Representation of the People (Amendment) Act, 1999.

Insertion of  
new sections  
26A and 26B.

2. After section 26 of the Representation of the People Act, 1951, the following new sections shall be inserted namely:— 43 of 1951.

Deployment of  
adequate  
number of  
security  
personnel.

“26A. The Central Government shall make available to each district election officer atleast four personnel of para-military forces and one patrolling party for every polling station in every constituency under his jurisdiction.

Duties of para-  
military forces.

26B. The para-military personnel and patrolling party shall perform the following functions, namely:—

(i) to assist the Presiding Officer in discharge of his duty;

(ii) to provide security cover to Presiding Officer, Polling Officer and staff deputed on election duty;

(iii) to carry out patrolling in the constituency to ensure maintenance of public order and prevent any such activity obstructing free, fair and peaceful election process and to enable voters to exercise their franchise freely.”

## STATEMENT OF OBJECTS AND REASONS

During elections to the Lok Sabha, State Assemblies, it has been observed that Presiding/Polling Officers are threatened, intimidated and booths are captured. Voters are kept away at gun point and are not allowed to exercise their franchise. Moreover, people belonging to weaker sections are stopped before they enter in the vicinity of polling station to cast their votes. The Presiding/Polling Officers feel helpless in absence of adequate police personnel at polling stations and are forced to record these arbitrary elections as free and fair elections. The State police is also unable to provide security cover to staff deputed on elections duty. Sometimes certain polling stations are arbitrarily declared as sensitive or very sensitive stations.

It is, therefore, essential to depute para-military forces and patrolling party at each polling station in adequate numbers to provide security cover to staff deputed for election duty and to voters to exercise their franchise freely.

The elections will remain a farce unless evils of booth capturing, intimidation of Presiding/Polling Officers and deprivation of weaker section from exercising their franchise are curbed.

Hence this Bill.

NEW DELHI;  
November 16, 1999.

RAGHUVANSH PRASAD SINGH

## FINANCIAL MEMORANDUM

Clause 2 of the Bill makes provision for deploying of atleast four personnel of paramilitary forces and one patrolling party for every polling station in every constituency of the House of the People or the Legislative Assembly, to which elections are held. Since the general elections can be conducted in many phases, the elections can be conducted with the available personnel and no new appointments will be required. As a result, no expenditure will be incurred from the Consolidated Fund of India either of a recurring or of a non-recurring nature.

## BILL NO. 117 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. In article 51A of the Constitution, after clause (j), the following clause shall be added, namely:—

Amendment  
of article 51A.

“(k) to get one’s name entered in electoral rolls compulsorily on acquiring prescribed eligibility and to cast his vote at elections to the House of the People, Legislative Assemblies of States and local bodies.”.

## STATEMENT OF OBJECTS AND REASONS

Democracy means the rule of the electorate but it has been observed that the percentage of the votes cast in all the elections held so far has been below 50. In some constituencies, it is a bit higher but most of the voters don't exercise their franchise or remain indifferent. This is not a sign of a deeply ingrained democracy. Some of the voters find their names missing from electoral rolls. Therefore, if an entry to that effect is added to the article 51A of the Constitution pertaining to the fundamental duties, common man will be encouraged to take interest in getting their names entered in the electoral rolls and exercising their franchise. This will go a long way in strengthening our democracy.

Hence this Bill.

NEW DELHI;  
November 16, 1999.

RAGHUVANSH PRASAD SINGH

## BILL No. 118 OF 1999

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order, (Amendment) Act, 1999. Short title.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in part III, Bihar, after entry 23, the following entries shall be added, namely:— Amendment  
of the  
Schedule.

“24. Mallah,” and

“25. Nuniya.”

**STATEMENT OF OBJECTS AND REASONS**

In the State of Bihar "Nuniya" and "Mallah" castes have been included in the list of most Backward Castes. But in view of their poor, social, economic and educational status, they should have been included in the list of Scheduled Castes. In this regard various social study institutions, commissions and also the State Government of Bihar have recommended that "Nuniya" and "Mallah" castes in Bihar may be deleted from the list of Backward Castes and be included in the list of Scheduled Castes. Nuniya and Mallah castes are already there in the list of Scheduled Castes in relation to West Bengal State.

The Bill seeks to amend the schedule to the Constitution (Scheduled Castes) Order, 1950 accordingly.

NEW DELHI;  
*November 16, 1999.*

RAGHUVANSH PRASAD SINGH



## BILL NO. 116 OF 1999

*A Bill to provide for the setting up of a flood control Board to control floods and for matters connected therewith.*

Whereas entry 56 of List I-Union List of the Seventh Schedule to the Constitution provides for regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;

And whereas a lot of havoc is caused by floods every year in almost all parts of the country;

And whereas it is essential to take effective measures for flood control;

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Flood Control Act, 1999.

(2) It shall come into force at once.

2. The Central Government shall set up a Flood Control Board (hereinafter referred to as the Board) with its head office at New Delhi.

Short title and  
commence-  
ment.

Flood Control  
Board.

**Composition of Board.**

3. (1) The Board shall consist of a Chairman, who shall be an expert on flood control to be nominated by the Central Government, and a representative each from every State Government and Union Territory, who shall also be experts on flood control measures and other related aspects.

(2) The Chairman and the members of the Board shall be entitled to such salaries and allowances as may be prescribed.

(3) The Central Government shall make available suitable officers and staff as may be required for efficient functioning of the Board.

**Functions of Board.**

4. The functions of the Board shall be—

(a) to identify the areas which are prone to floods;

(b) to suggest measures for flood control;

(c) to make a time bound plan for linking the rivers which are prone to floods with the ones which are not so;

(d) to suggest measures for the development of land in areas which are prone to floods;

(e) to deploy ways and means to facilitate forecast floods in any area and warn inhabitants in those areas to move out to safer places;

(f) advise the State Governments as to preventive and rehabilitation measures during floods;

(g) advise the State Government for proper storage of rain water and construction of dams.

**Cost to be borne by Central and State Governments.**

5. The cost of taking up the flood control measures as suggested by the Board shall be borne by the Central Government and State Governments in such ratio as may be determined by the Board.

**Committee of members of Parliament.**

6. There shall be constituted a Committee of members of Parliament to monitor the progress of flood control measures undertaken as suggested by the Board.

**Recommendations of the Board.**

7. (1) The Board shall make recommendations to the Central Government as to flood control measures.

(2) It shall be the duty of the Central Government to implement the recommendations of the Board:

Provided that where it is felt necessary that any recommendation cannot be implemented due to any reason, the Central Government may, to be recorded in writing, inform the Board accordingly.

**Annual Report.**

8. The Board shall present a report to the Central Government every year about its functioning and the Central Government shall lay on the table of both Houses of Parliament a copy of the report.

**Power to make rules.**

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

### STATEMENT OF OBJECTS AND REASONS

India is a land of many great rivers. The water resource of the country is not being fully utilised. Every year there are floods which cause great loss of life and property. Whereas in some parts of the country there are floods, there is drought in other parts. Recently in Orissa, due to floods there was heavy loss of life and property. Lakhs of people were affected due to heavy floods. Orissa remained cut off from the rest of the world for a few days after floods.

The national resources are damaged by the floods. This problem needs to be addressed to urgently.

The Bill seeks to provide for preventive and control measures of floods.

NEW DELHI;  
November 13, 1999.

VAIKO

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### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a Flood Control Board. Clause 3 provides for the composition of the Board. It further provides for salary and allowances to Chairman and members. Provision has also been made for officers and staff to assist the Board. Clause 5 provides that the expenditure on flood control measures suggested by the Board shall be borne by the Central Government and State Governments. Clause 6 provides for the constitution of a Committee of members of Parliament to monitor the progress of flood control measures suggested by the Board. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum. A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL. NO. 100 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1999.

Insertion of  
new article 9A.

2. After article 9 of the Constitution, the following article shall be inserted,  
namely:—

Dual  
citizenship.

“9A. Notwithstanding anything contained in article 9, any person who, or either of whose parents, was a citizen of India and who has acquired the citizenship of any foreign State, shall be deemed to be a citizen of India, in addition to being a citizen of foreign State, if he makes an application to a diplomatic or counsellor representative of India in that foreign State for registration as a citizen of India:

Provided that the children of any such person who has been registered as a citizen of India shall, in addition to their being a citizen of a foreign State, also be deemed as citizen of India.”.

## STATEMENT OF OBJECTS AND REASONS

A large number of Indian citizens living in foreign countries are taking keen interest in the affairs of India. They migrated to other countries for making their future prospects bright. Of them, many are doing good business in foreign countries. Many of the Indians went to the Gulf countries as skilled and un-skilled workers owing to the employment crisis in our country. All these Indian citizens living abroad are sending regular remittances to India which is one of the largest sources of Indian receipts.

There are about 18 million Non-Resident Indians (NRIs) around the world but about only 2.5 million are living in the affluent West. They want to play a global role that suits India. In the present global scenario, India needs the experience of NRIs to promote and strengthen its economy. The NRIs are emerging as an important source of capita to boost India's economy and their deposits account for about 23% of the country's foreign reserves. There has been a significant shift in the investments in India by foreign investors particularly NRIs. Under the revised external policy, the Government has recognised the NRIs as a potential source of capital formation. Therefore, there is a need to provide dual citizenship to those original Indians who left the country and opted for other countries for economic reasons. If such Indians are given dual citizenship, it will help in boosting exports and doubling of remittances making available a continuous inflow of valuable foreign investments. India should follow examples of countries like Japan and Isreal which were helped by people of their own origin settled in foreign countries. Also, the grant of status of citizenship of India to such Non-Resident Indians, in addition to their being citizens of other countries will help them in overcoming the minor and irritating problems relating to income tax, buying and selling of property in India, etc. Since our country has already liberalised the economic policies and is urging the foreign investors to invest in India, it is safer, if we allow Non-Resident Indians to have dual citizenship, so that they can play a positive role in strengthening our economy by investing in our country.

Hence this Bill.

NEW DELHI;

VAIKO

November 12, 1999.

## BILL NO. 127 OF 1999

*A Bill to make voting compulsory in elections to legislative bodies in the country.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Compulsory Voting Act, 1999.

(2) It shall come into force at once.

Duty of every  
citizen to cast  
his vote.

2. It shall be the duty of every citizen, whose name has been registered in the electoral rolls prepared by the Election Commission of India, to cast his vote at every election to the House of the People and Legislative Assembly of a State.

Adequate  
number of  
polling booths.

3. (1) There shall be set up adequate polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly, as the case may be.

(2) The polling booths shall be set up in such a way—

(i) that number of voters in each booth shall be equal to the extent possible;

(ii) that the distance between one polling booth and another shall not exceed one kilometre:

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

4. There shall be made suitable arrangements for persons deployed in connection with polling duty, defence and general security of polling booths to enable them to cast their votes.

Special arrangements for poll staff, defence forces etc.

5. There shall be made separate arrangements in every polling booth for senior citizens, physically handicapped persons and pregnant women.

Special arrangements for Senior Citizens.

6. The provisions of this Act shall not apply to:—

Act not to apply in certain cases.

(i) patients who have been admitted in hospitals, nursing homes or a place for treatment of any disease with indoor admission facility;

(ii) inmates of any mental asylum or a place where patients with mental disorder are kept;

(iii) physically handicapped persons including blind;

(iv) persons suffering from any ailment, which may prove injurious to their health in case they move out of their place of residence; and

(v) persons deployed in connection with public duty and in transit.

7. Any eligible voter who does not cast his vote at any election to the House of the People or the Legislative Assembly of a State shall—

Punishment.

(i) be ineligible for allotment of a plot or a house in a Government owned organisation;

(ii) be ineligible to get loan of any kind from any financial institutions owned by the Government;

(iii) be ineligible to hold any public office;

(iv) be ineligible to contest any election for a period of six years from the date of his conviction;

(v) be ineligible for entitlement to any welfare scheme announced by the Government from time to time;

(vi) be required to pay a fine of rupees one thousand failing of which he shall undergo one week simple imprisonment.

8. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

It has been observed that in every election the turn out at the polling booth is very poor and of late has decreased to even less than 30% of the total voters. As a result, candidates get elected having polled only a very few percentage of the total votes. Thus they do not in real terms represent the constituencies from where they get elected. Often it has been seen that many candidates have been elected having polled only 20% of the votes in their constituencies.

Though frequent elections can be cited as one of the reasons for the poor turn out at the polling booths, yet it is the duty of every eligible voter to exercise his franchise in order to strengthen democratic process. We are the largest democracy in the world having a population of nearly one hundred crore. But since only 40% of the voters cast their votes, in the true sense, elections do not reflect the majority will of the people. Only when large number of voters participate in election, elected representative can be made more accountable.

The Bill seeks to make voting compulsory. This measure will;—

- (i) prevent bogus voting to a great extent;
- (ii) infuse greater participation in democratic process of the country;
- (iii) prevent/curb electoral malpractices to a great extent,

NEW DELHI;

VAIKO

November 13, 1999.

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate polling booths in every constituency. Clause 4 provides for special arrangements for persons deployed in public duty. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees 50 lakhs will be involved. A non-recurring expenditure of about rupees five crore may also be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Government to frame rules for carrying out the purpose of the Bill. As the rules will relate matters of detail only, the delegation of Legislative power is of a normal character.



## BILL NO. 103 OF 1999

*A Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 1999.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the State Government in case of a State and the Central Government in all other cases;

(b) "inter-State river" means any river which has its source in one State and passes through two or more States including the States in which the river has its origin before it sub merges into the sea and also includes, a lake, tank, rivulet, which has its source from a river which is an inter-State river; and

(c) "prescribed" means prescribed by rules made under this Act.

No State to have right over an inter-State river.

3. Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.

Only Central Government to have right and control over inter-State rivers.

4. On and from the date of commencement of this Act, the Central Government shall and no other State or States shall have exclusive right and control over all inter-State rivers.

State Governments to forward requirements for water/ electricity.

5. (1) Every appropriate Government shall forward its requirement of waters for all purposes, including irrigation and drinking water to the Central Government and also its requirements for electricity.

(2) While forwarding its requirements, every appropriate Government shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from those rivers.

(3) Every appropriate Government shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.

Central Government to distribute inter-State river waters.

6. (1) It shall be the duty of the Central Government to distribute river waters of every inter-State river to the States within which such rivers passes through.

(2) While distributing river waters, the Central Government shall take into consideration the following factors:—

- (a) the population and area of each interested State;
- (b) the land available for farming in each State;
- (c) the requirements for drinking water and for agricultural and other purposes in each State;
- (d) the length of inter-State river passing through each State; and
- (e) the requirements and availability of electricity in each State.

Central Government to construct hydro-electrical plants on inter-State rivers.

7. (1) On and from the date of commencement of this Act, no appropriate Government shall construct any hydro-electrical plant or project on any inter-State river or based on it.

(2) The Central Government shall have exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the States through which the inter-State rivers pass, as may be prescribed.

(3) Every appropriate Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro-electrical plant or project constructed on an inter-State river.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

### STATEMENT OF OBJECTS AND REASONS

India is a union of States. There are many rivers, big or small flowing through many States before they sub-merge into the nearest sea. Today half of our population do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably reduced.

It has been observed that many States through which a river flows, fight for considerable share of river waters and try to deprive the just and due demand of other States. Consequently, many cases are pending in tribunals for settlement. It is a common knowledge that tribunals take a long time before delivering judgement. In the meanwhile the affected States fight each other for the share of water from the inter-State rivers and as a result, there is always strained relation among the States.

Therefore, it is proposed that only the Central Government shall have exclusive right and control over all inter-State rivers and it shall distribute river waters according to pre-determined formula for allocation of waters. It is proposed that the Central Government shall also have exclusive right over electricity projects constructed on inter-State rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also to enable proper utilisation of available resources.

NEW DELHI;  
November 13, 1999.

VAIKO

### FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall construct hydro electrical plants or projects on inter-State rivers. Though there is a provision that every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives, yet some expenditure will be incurred from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved. A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the matters will relate to detail only, the delegation of legislative power is of a normal character.

## BILL NO. 132 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1999.

Amendment  
of article 103.

2. In clause (2) of article 103 of the Constitution of India for the words "Election Commission", the words "Electoral Council" shall be substituted.

Insertion of  
new article  
324A.

3. After article 324 of the Constitution of India, the following article shall be inserted, namely:—

Electoral  
Council.

"324A. (1) There shall be set up an Electoral Council consisting of the Chairman of the Council of States, the Speaker of the House of the People, the Chief Justice of India, the Chief Election Commissioner and an eminent jurist to be appointed by the President,

(2) The Chairman of the Council of States shall be the Chairman of the Electoral Council.

(3) The Electoral Council shall formulate the electoral policy and have the power review decisions taken by the Election Commission in the discharge of its functions."

### STATEMENT OF OBJECTS AND REASONS

The role of the Election Commission as seen during General Elections to the 12th and 13th Lok Sabha has become the subject matter of intense debate. The decisions of the Election Commission have been both criticised or acclaimed by the political parties, groups depending upon their political ideologies. The wisdom and equity shown by the Election Commission by staggering election process of 13th Lok Sabha for more than five months and deferring poll results for more than one month has also received adverse comment across wide spectrum of media and general public. This is not a happy situation.

Article 324 of the Constitution vests in the Election Commission the power of superintendence, direction and control of elections which is inherently an administrative power. The Election Commission cannot encompass policy decisions which impinge on the functions of the executive and legislature. Even the judicial intervention had to be sought to resolve certain controversial decisions of the Commission. This has created an unsavoury and anomalous situation.

The time has come to review the provisions of the Part XV of the Constitution. An "Electoral Council" consisting of the Chairman Rajya Sabha, Speaker Lok Sabha, Chief Justice of India, Chief Election Commissioner and an eminent jurist should be constituted to review the decisions of the Election Commission. It will enhance transparency and credibility to the role of the Election Commission.

The Bill seeks to achieve above objectives.

NEW DELHI;  
November 11, 1999.

ANANT GANGARAM GEETE

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of an Electoral Council consisting of the Chairman of the Council of States, the Speaker of the House of the People, the Chief Justice of India, the Chief Election Commissioner and an eminent jurist to be appointed by the President. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakh per annum.

It is also likely to involve a non-recurring expenditure of about rupees five lakh.

## BILL NO. 119 OF 1999

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. After article 75 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
75A.

"75A. Notwithstanding anything in articles 74 and 75—

(1) The House of the People shall express its lack of confidence in the Prime Minister and his Council of Ministers only by electing his successor through a composite motion supported by a majority of the total members of the House and presenting an address to that effect to the President, who shall then appoint the person so elected as the new Prime Minister.

Provision as to  
confidence in  
the Council of  
Ministers.

(2) In the event of failure of the Council of Ministers to secure, or retain the confidence of the House of the People, and if the House is not able to elect a person to be appointed as the new Prime Minister in accordance with the provisions laid down in clause (1), the President shall, upon the advice of the Council of Ministers, prorogue the House and suspend the operation of any provision of the Constitution relating to the House of the people for a period which shall not exceed four months.

(3) Before the expiry of the period of four months as referred to in clause (2), the President shall summon the House to reconsider the composite motion with or without modification, and if the House is not able to express its confidence in the Council of Ministers, or elect a person to be appointed as the new Prime Minister, the President shall dissolve the House of the People."

Amendment of  
article 85.

3. In article 85 of the Constitution, in clause (2), the following proviso shall be added at the end, namely:—

"Provided that the power under sub-clause (b) shall be exercised subject to the provision of article 75A."

Insertion of  
new article  
164A.

4. After article 164 of the Constitution, the following article shall be inserted, namely:—

"164A. Notwithstanding anything in articles 163 and 164—

Provision as to  
confidence in  
the Council of  
Ministers.

(1) The Legislative Assembly shall express its lack of confidence in the Chief Minister and his Council of Ministers only by electing his successor through a composite motion supported by a majority of the total members of the Assembly and presenting an address to that effect to the Governor who shall then appoint the person so elected as the new Chief Minister.

(2) In the event of the failure of the Council of Ministers to secure, or retain the confidence of the Legislative Assembly, and if the Assembly is not able to elect a person to be appointed as the new Chief Minister in accordance with the provisions laid down in clause (1), the Governor shall, upon the advice of the Council of Ministers, prorogue the Assembly and recommend to the President to suspend the operation of any provision of the Constitution relating to the Legislative Assembly for a period which shall not exceed four months.

(3) Before the expiry of the period of four months as referred to in clause (2), the Governor shall summon the Assembly to reconsider the composite motion with or without modification, and if the Assembly is not able to express its confidence in the Council of Ministers, or elect a person to be appointed as the new Chief Minister, the Governor shall dissolve the Legislative Assembly."

Amendment of  
article 174.

5. In article 174 of the Constitution, in clause (2), the following proviso shall be added at the end, namely:—

"Provided that the power under sub-clause (b) shall be exercised subject to the provisions of article 164A."



## STATEMENT OF OBJECTS AND REASONS

The Indian political system has come under increasing stress due to fractured polity and multiplicity of political parties. During the last five General Elections since 1989, no single political party could secure majority in the House of the People. This period was marked by a succession of eight coalition or minority governments resulting in frequent elections. This had a destabilising effect on the national psyche and our socio-economic system. A question mark has also arisen on the credibility of the present constitutional framework.

The Government has already decided to constitute a panel to review the Constitution to cope with emerging trends in Indian polity. A new dispensation is needed to impart stability and efficacy to our polity.

Even within the existing constitutional framework, a provision is needed to assign a direct and effective role to the House of the People and the Legislative Assemblies in electing an alternative Government when the Council of Ministers fails to secure, or retain the confidence of the House/Assembly. Such a provision will accord priority and activate the role of the House of the People and the Legislative Assembly and eliminate the vice of backroom political manoeuvres. Moreover, in that case, the dissolution of the House/Assembly shall become the last resort and occur only when there is insuperable constitutional impasse.

The most salient aspect of the Bill is a provision for cooling off period and reconsideration of the composite motion before the hammer would fall leading to the inevitable dissolution of the House/Assembly.

This Bill seeks to achieve the above objectives by insertion of two new articles 75A and 164A in the Constitution.

NEW DELHI;  
November 16, 1999.

ANANT GANGARAM GEETE

## BILL NO. 120 OF 1999

*A Bill to provide for securing a life with dignity, peace and security to the aged and for their welfare and for matters connected therewith.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title,  
extent and  
Commence-  
ment.

1. (1) This Act may be called the National Commission for the Aged Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires.—

(a) "Aged" means any person being a citizen of India, above the age of sixty years;

(b) "appropriate Government" means the State Government in respect of any State and the Central Government in all other cases;

(c) "indigent" means an aged person who because of any age related infirmity or disability is incapable to earn his livelihood, nor has any source of livelihood;

(d) "National Policy" means the National Policy for the Aged, as provided under Section 3;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "Regulatory Authority" means Regulatory Authority appointed under Section 7.

3. The Central Government shall, by notification in the Official Gazette, lay down a National Policy for the Aged in consultation with the National Commission constituted under Section 4 to secure to the aged, besides freedom from want, a sense of participation in community life, self-fulfilment and dignity of life.

Formulation  
of National  
Policy for  
Aged.

4. (1) The Central Government shall, by notification in the Official Gazette, set up a Commission to be called the National Commission for the Aged.

National  
Commission  
for the Aged.

(2) The National Commission shall consist of the following, namely:—

(a) the Union Minister of Social Justice and Empowerment who shall be the Chairman of the National Commission;

(b) the Secretary to the Union Ministry of Social Justice and Empowerment who shall be the *ex-officio* Secretary to the National Commission;

(c) the Union Ministers of Health and Family Welfare, Labour and Finance, the Deputy Chairman of the Planning Commission and the Chairman of Central Social Welfare Board as the *ex-officio* members of the National Commission;

(d) three members of Parliament, two from the Lok Sabha and one from the Rajya Sabha who shall be elected by the respective House of Parliament as members of the National Commission for a period of one year;

(e) five members of the National Commission to be appointed by the Central Government in the manner as may be prescribed.

5. The National Commission shall perform all or any of the following functions namely:—

Functions of  
the Commis-  
sion.

(1) to evolve a National Policy for securing to the aged, besides freedom from want, a sense of participation in community life and fulfilment to lead a life with dignity and for harnessing the reserve of wisdom, maturity of mind and experience available amongst the aged, in the service of the nation;

(2) to lay down schemes and programmes to achieve the objectives set out in clause (1);

(3) to create and generate funds for financing welfare schemes for the aged;

(4) to evolve and float health insurance schemes for the aged through appropriate Financial Institutions and Insurance Companies;

(5) to promote a network of Old-Age Homes through the appropriate Governments;

(6) to lay down Old Age Pension Schemes and its operation through appropriate Governments;

(7) to make a review of the provisions of the Indian Penal Code, insofar as they relate to the aged, so as to ensure due peace and security of life and to secure to them a life with dignity and to suggest amendments thereto;

(i) to monitor the working of various policies, programmes and schemes laid down by it, and to issue directives for proper implementation of the National Policy laid down under clause (1);

(ii) to lay down norms for recognition and registration of Voluntary Organisations and trusts engaged in welfare of the aged.

Meeting of  
National  
Commission.

6. The National Commission shall meet at least once in every six months.

Appointment of  
Regulatory  
Authority.

7. (1) The appropriate Government shall by notification in the Official Gazette, appoint a Regulatory Authority for each territorial division, created for the purpose;

(2) It shall be the duty of the Regulatory Authority—

(a) to maintain a Register of the Aged, residing in its territorial jurisdiction, classifying them in three categories, namely,—

(i) the aged who are employed or engaged in any vocation or profession;

(ii) the aged who wish to be employed in any vocation, profession or other work, including social and honorary work; and

(iii) the aged who are destitute, needing economic, social support and care including health care.

(b) to evolve plans and programmes with the approval of appropriate Government to aid and advise the aged seeking employment or engagement in productive and constructive channels in the best interests of the society and the nation, with or without the help of employment exchanges;

(c) to utilise their services in bodies where public interest needs to be represented or protected, on a voluntary basis keeping in view the knowledge, experience and background of such Aged persons;

(d) to ensure due implementation of the plans, programmes and schemes laid down by the National Commission; and

(e) to operate Old Age Pension Schemes as provided for by the appropriate Government under section 8.

Old Age  
pension  
scheme.

8. The appropriate Government shall lay down an Old Age Pension Scheme for rendering financial aid to each Aged indigent person and the amount of pension payable to such persons every month shall be linked with the cost of living Index and shall be so fixed as to ensure to decent living.

Free medical  
aid.

9. Every Aged person shall have the right to receive free medical aid in such manner as may be prescribed.

Measures to  
secure due  
place in society  
for Aged  
persons.

10. To provide and secure due place in society to the aged, the appropriate Government shall—

(a) reserve adequate number of seats for the Aged in Panchayats and local bodies;

(b) ensure adequate representation of the Aged persons in different welfare and social bodies, like Social Welfare Boards and Consumer Protection Fora at Central and State levels;

(c) provide training and other assistance to the Aged for securing suitable employment, vocation and social service opportunities.

(d) reserve at least five per cent of all housing units constructed under various Welfare Housing Schemes;

(e) provide free travel facilities by rail, road, or inland waterways in public transport, to the aged, in such manner as may be prescribed;

(f) Provide for recreational tours, including religious pilgrimages like Haj, to the aged, in such manner as may be prescribed.

(g) to provide facilities for Yoga and Sports for the aged, in such manner as may be prescribed;

(h) provide for interest free loans for housing and self-employment needs.

**11. The appropriate Government may provide for an Old Age Fund for payment of old age pensions and for implementing other schemes for the Aged, under this Act.**

Old Age Fund.

**12. The aged parents shall have the right to be supported by their children, in accordance with the social and economic status of their family, enforceable through the Regulatory Authority, who for that purpose shall have the powers of a Judicial Magistrate.**

Right of aged persons to be supported by their children.

**13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.**

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

One of every 10 persons on earth is over 60 years of age. In India over 6 per cent of the population is over 60 years which is likely to grow up to 10 per cent by 2016 A.D.

In view of the fast growing population of the world, the United Nations has declared the year 1999 as the International Year of the Older People. The Government of India has formulated a comprehensive National Policy for the Old (sixty plus) persons to help them in last phase of their life. This policy document, outline a series of proposals for providing social and economic security and dignity of life to the aged and it has also mooted the idea of observing the year 2000 as the National Year for the Older Persons.

It appears from this formulation that the national policy so formulated seeks to address only the economic needs of sustenance of the aged. It fails to recognise the enormous store of wisdom, intelligence and experience available amongst the aged, which can go a long way in contributing to the development of the society. The policy really falls too short of the UN Principles for Older Persons [resolution (6/91)] adopted by the UN General Assembly in 1991 calling upon world Governments to incorporate them into national programmes. The 18 principles adopted under the Resolution called for action in many areas including:

*Independence:* Older persons should have access to food, water, shelter, clothing, health care, work and other income-generating opportunities, education, training, and a life in safe environment.

*Participation:* Older persons should remain integrated into community life and participate actively in formulation of policies affecting their well-being.

*Care:* Older persons should have access to social and legal services and to health care so that they can maintain an optimum level of physical, mental and emotional well being. This should include full respect for dignity, beliefs, needs and privacy.

*Self-fulfilment:* Older persons should have access to educational, cultural, spiritual and recreational resources and be able to develop their full potential.

*Dignity:* Older persons should be able to live in dignity and security, be free of exploitation and physical or mental abuse and be treated fairly, regardless of age, gender and social or ethnic background.

The necessary provisions are, therefore, be made in conformity with the UN Declaration. Provisions should not only be made to provide economic independence to the aged, but also to ensure that *they remain* integrated into community life and actively participate in the formulation of policies for their own well-being so that they can have access to educational, cultural and recreational resources to develop their potential to the full, and to lead a life with dignity and security.

Apart from the National Policy and programme for the aged, the Bill seeks to provide not only for economic freedom from want of food, water, shelter, clothing and health care but also to ensure to them active participation in community life and opportunities for self-fulfilment and to lead a life with dignity.

Hence this Bill.

NEW DELHI,  
November 17, 1999

SUSHIL KUMAR SHINDE

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a National Commission for the Aged. Clause 5 provides for generation of funds for financing schemes for Aged and promotion of network of old-Age homes. Clause 7 of the Bill provides for appointment of a Regulatory Authority. Clause 8 provides for old Age pension. Clause 9 provides for free medical aid to the Aged. Clause 10 provides for training, suitable employment, vocation, free travel facilities etc. to the Aged persons. Clause 11 of the Bill provides for creation of an Old Aged Fund.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees Ten crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of about rupees Five crore is also likely to be involved.

**MEMORANDUM ON DELEGATED LEGISLATION**

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. The delegation of legislative powers is of a normal character, as the matters to be prescribed are of detail only.



## BILL NO. 131 OF 1999

*A Bill to provide for measures for population control through compulsory sterilisation of certain persons and providing incentives/disincentives for adopting small family norm.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Control and Family Welfare Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force at once.

(4) It shall be applicable to all Indian citizens, irrespective of their place of birth, religion, faith, belief or worship.

2. In this Act, unless the context otherwise requires,—

(i) "Government" means the Central Government in respect of Union territories, including the National Capital Territory of Delhi, and the respective State Government in respect of a State; and

(ii) "prescribed" means prescribed by rules made under this Act.

Short title,  
extent,  
commence-  
ment and  
acceptability.

Definitions.

Establishment  
of Small  
Family-cum-  
Child Welfare  
Centre.

3. (1) There shall be established "Small Family-cum-Child Welfare Centre", hereinafter called the "Centre" by the appropriate Government for every five thousand of population in rural areas and for every twenty-five thousand in urban areas.

(2) The Centre shall guide the married persons in the use of preventive methods of birth control and also provide them with suitable birth control devices free of charge.

(3) There shall be made adequate arrangements at every Centre for carrying out birth control operations including post operation care of the persons who undergo operation and supply of necessary medicines to them free of charge.

(4) There shall be made adequate arrangements at every Centre for providing complete medical care to every child upto the age of five years free of any charge.

(5) The appropriate Government shall take suitable steps to mobilise the people in rural areas to visit the Centres and avail of the facilities provided at the Centres.

Time gap  
between  
children.

4. Subject to the provisions of this Act, every married couple shall ensure, by use of any of the recommended preventive methods of population control, adequate spacing between children, which shall not be less than six years between the birth of their two children.

Compulsory  
sterilisation.

5. (1) In the case of every married couple, having two or more living children, on the date commencement of this Act, including those whose second child is born after the commencement of this Act, either the husband or the wife, shall be required to undergo compulsory sterilisation, within a period of one year from coming into force of this Act:

Provided that any attempt to avoid or avert such sterilisation shall be punished with imprisonment for six months:

Provided further that no sterilisation of the husband or wife, shall be required in case the husband is above the age of sixty years or the wife is above the age of forty eight years.

(2) In case, however, an unmarried woman becomes a mother, immediate steps, as may be prescribed, shall be taken to determine the paternity of the child by various modes of investigation, including a Deoxyribonucleic Acid test, so as to fix responsibility for providing paternal care and bringing up the child, without loss of dignity to the child in social life:

Provided that if the woman is below the marriage age as provided under Section 6, the man responsible for fathering the child shall be punished with rigorous imprisonment for not less than one year and a fine of rupees one lakh, and an amount necessary for securing proper and human up bringing and also education to the child as may be determined by the Court.

(3) Subject to the provisions of the Medical Termination or Pregnancy Act, 1971, it shall not be illegal if pregnancy is terminated with a view to adopting small family norm. 34 of 1971.

Age for  
marriage.

6. (1) No marriage shall be solemnised between a male who is less than twenty-five years of age, and a female who is less than twenty-one years of age.

(2) The provisions of the Child Marriage (Restraint) Act, 1929, shall be so amended as to prohibit, marriage contemplated under sub-section (1), as "child marriage" and the parties to such marriages shall be liable to be punished under that Act, as amended from time to time. 19 of 1929.

Population  
control and  
family welfare  
to be a  
compulsory  
subject.

7. (1) The appropriate Government shall introduce a compulsory subject, "Population Control and Family Welfare" in all educational institutions, at the secondary level of education.

(2) The subject mentioned in sub-section (1) shall be part of curriculum from class nine onwards.

(3) It shall be incumbent on every student passing the Senior Secondary examination to secure the minimum prescribed marks in that subject.

8. (1) If a man or a woman elects to remain unmarried and gives a written undertaking to that effect, incentives as may be prescribed pertaining to education, health, housing, financial security, transport and other means of sustenance shall be given to him or her.

Incentives to remain unmarried.

(2) The names and other particulars of those electing to remain unmarried shall be registered with a prescribed Authority, duly by the appropriate Government.

9. Any married couple having one living child and either of them, voluntarily undergoes sterilisation, the appropriate Government shall provide them the following facilities and benefits:—

Benefits for adopting small family norm.

(a) offer allotment of housing accommodation, including allotment of land for housing, at specially subsidised rates, under various Government housing schemes, allowing at least 20% rebate on usual cost, supported with concessional loan facilities;

(b) concessional travelling facilities within country;

(c) medical facilities for the child and his parents;

(d) a monthly pension of at least rupees two thousand and five hundred per month per couple, in the event of death or disablement of the child, after they attain the age of sixty years and they have no other source of income enough to secure a reasonable standard of living, in accordance with the social status of the family;

Provided that the amount of the minimum pension payable under sub-section (d) shall be linked with the cost of living index, to be reviewed after every five years.

10. (1) Any person who is serving in connection with affairs of the Union Government or any undertaking under the control of the Union and who is unmarried or if married has only one living child on the date of commencement of this Act shall give an undertaking that he shall not procreate nor have more than two living children at any given time.

Undertaking by Government employee.

(2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action as the Union Government may by orders issued from time to time, prescribe.

11. Any person who violates the provisions of section 4 of this Act, or otherwise procreates a child in addition to two more living children, shall—

Disincentives.

(a) if he or she is serving in connection with the affairs of the Union including a public undertaking or enterprise under the union, be subject to stoppage of annual increments for a period of three years and shall be debarred from any chances of promotion during this period, besides any other further penalty as may be prescribed;

(b) if he or she is working in any private organisation, his employer shall deduct 15% of his wages, and deposit the amount so deducted, in Government treasury, every month for a period of three years from the date of default comes to notice;

Provided that if any default is made and the amount as has been stated in sub-section (b) is not being deducted in connivance between employee and employer, or otherwise, both the employer and employee shall be liable to be prosecuted for 'conspiracy' under appropriate section of the Indian Penal Code;

(c) if he or she is engaged in agriculture or is otherwise self-employed or engaged in business or profession, be subject to a fine of at least rupees fifty thousand recoverable over a period of three years, besides any further penalty as may be deemed necessary.

Insertion of new section 8A in the Representation of the People Act, 1951.

Disqualification on grounds of not adopting small family norm.

National Population Control and Family Welfare Fund.

Utilisation of Fund.

Publicity.

Act to have over-riding effect.

Power to make rules.

**12.** After section 8A of the Representation of the Act, 1951, the following new section shall be inserted, namely:—

43 of 1951.

"8B. A person shall be disqualified, if he procreates more than two living children:

Provided that no person shall be disqualified if he has two or more children on the date of commencement of this Act, or has another child within one year from the date of its commencement, where by the number of living children of that person adds up to more than two."

**13. (1) The Central Government shall constitute a fund, called the National Population Control and Family Welfare Fund.**

(2) The Central and State Governments shall contribute to the fund, in such ratio as may be prescribed.

**14.** The fund constituted under section 13 shall be utilised for the following purposes, namely:—

(i) giving national population control awards to States or Union territories, which record the lowest population growth rate during a year;

(ii) giving national population control certificate to individuals or organisations, which have contributed substantially in creating awareness and awakening among the masses to the need for adoption of small family norms and propagating the use of scientific modes and techniques for achieving population control, as may be prescribed;

(iii) giving awards to non-Government Organisations for promotion of population control programmes and schemes.

**15. (1)** The appropriate Government shall give effective and regular publicity to the provisions of this Act and its objectives, involving the press, electronic media, educational institutions, hospitals, health centres and other Government and private institutions, through appropriate incentives and otherwise, so as to convert population control campaign into a mass campaign.

(2) The appropriate Government shall provide proper incentives to Panchayati Raj Institutions to push ahead the population control plans and programmes.

**16.** The provisions of this Act shall apply notwithstanding any law, custom or usage having the force of law to the contrary, and such law, custom or usage to the extent of contradiction, shall be void.

**17.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS.

On July 12, as we observe the World Population Day, year after year, the world attention is drawn to India's fast growing population, which threatens to put India on top of the world. Though India had the distinction to launch an official "Family Planning Programme" in 1951 itself, India's population continues to gallop unimpeded, and the country accounts for the highest population density in the world. The population growth has assumed such menacing proportions that unless stringent, nay deterrent, steps are taken to curb it, the day is not far off, when India will out-strip even China, the most populous country, being already on the threshold of 1000 million mark, starting with only 348 million at the time of independence in 1947.

So much so that the economic progress and development made over the eight Five Year Plans and more, has been neutralised by one single malady that afflicts the country, namely, population growth, and over 35% of India still lives below the poverty line.

While poverty and ignorance is the main cause of population explosion, population growth itself in turn is the root cause of poverty and ignorance, forming a vicious circle. This vicious circle has got to be broken by strenuous and planned effort by educating the masses of the advantages of having small family. Small family norms have to be promoted and enforced, not only by providing incentives for adopting these norms, but also by enforcing disincentives and even deterrents.

On a closer scrutiny it has been found that the total fertility rate can be brought down by over 22%, if only unwanted pregnancies are eliminated. It can be further cut down considerably if the legal marriageable age is raised under the Prevention of Child Marriages Act, 1929 and the Act so amended is rigorously enforced. Since fertility rate amongst women is the highest between 20 to 27 years of age, raising the marriage age to 21 years for females and to 25 years for males will considerably bring down the birth rate.

It has also been observed that adolescence of teenage girls very often ends up in pregnancies, and one fourth of adolescent girls become mothers. This menace has to be firmly dealt with.

An amendment to the Representation of the People Act, 1951, barring those not adhering to small family norms from contesting for membership to Parliament and State Legislatures. These measures will go a long way in curbing the population growth.

Hence this Bill.

NEW DELHI;  
November 15, 1999.

SUSHIL KUMAR SHINDE

### FINANCIAL MEMORANDUM

Clause 13 of the Bill provides for creation of the National Population Control and Family Welfare Fund. The expenditure in respect of the administration of rest of the provisions of the Bill shall be met out of the budgetary grants of the concerned departments of the appropriate Government.

The Bill, if enacted, would involve a recurring expenditure of about rupees ten crore from the Consolidated Fund of India per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.